

## ARTICLE 9: PLANNED UNIT DEVELOPMENT

## 9.01 Planned Unit Development

A. Purpose. In accordance with the provisions of 24 V.S.A., Sec. 4417 Planned Unit Developments are designated by these Regulations to enable and encourage flexibility of design and development of land as a single entity for a variety of uses; the plan of which does not correspond to minimum dimensional requirements of the zoning district being considered. Development shall be designed in such a manner as to promote the most appropriate use of land, to preserve and maintain agricultural and forestry lands, to facilitate the adequate and economical provisions of streets and utilities, to encourage efficient construction, and to preserve the natural and scenic qualities of the open lands of the Town.

B. Review and Approvals. All Planned Unit Development proposals shall be reviewed and evaluated as major subdivisions under the Colchester Subdivision Regulations. In addition, any dimensional modifications of the applicable Zoning Regulations under consideration as Planned Unit Developments shall be evaluated in accordance with the following general and specific standards herein.

## C. General Standards.

1. A Planned Unit Development (PUD) may include commercial and industrial uses, or residential and commercial uses, but shall not combine residential and non-compatible uses such as industrial uses. A Planned Unit Development may include a Planned Residential Development component.
2. A Planned Residential Development is a PUD exclusively for residential development.
3. Minimum total area of development shall be **one and one-half five (5)** acres. ~~However, this may be reduced to an absolute minimum of 3.0 acres for existing undeveloped parcels provided the developers can show that development will be in accordance with the requirements for a Planned Unit Development and shall be subject to all the requirements thereof.~~
4. The **overall density allowable for the proposal shall be the same as for the land in the underlying district.** ~~or intensity of use shall not exceed that which could be permitted in the DRB's judgment if the land were subdivided into lots in conformance with the applicable zoning district in which the property is located.~~ Additional residential units achieved through density bonuses and transfer of development rights shall be exempt from this provision
5. The proposal shall be an effective and unified treatment of the development possibilities on the project site, and the proposed development plan shall make appropriate provision for the preservation of streams and stream banks, steep slopes, **Class II and III wetlands, floodplains, wet areas, soils unsuitable for development,** forested areas, agricultural land, and unique, natural and man made features.

6. The proposal shall be consistent with the Town Municipal Plan and all applicable Bylaws, Regulations, and Ordinances.
7. The proposal shall be consistent with all evaluation standards set forth in the existing Colchester Subdivision Regulations.
8. The proposal shall provide for the preservation of open space and/or agricultural, forestry, natural resource, or habitat lands.
9. Buffer strip - The DRB shall require provision of a buffer zone, up to fifty feet in depth, at the perimeter of the Planned Unit Development **within Residential Districts**. The buffer zone must be kept free of buildings and structures and must be landscaped, screened, or protected by natural features so that adverse effects on surrounding areas are minimized.
10. A plan shall be submitted to the Development Review Board (DRB) with a preliminary subdivision plat application showing the location, height and space of buildings, open spaces and their landscaping, streets, driveways and off-street parking spaces and all other physical features accompanied by a statement setting forth the nature of all proposed modifications of the area and dimensional requirements of the applicable Zoning Regulations.

#### D. Specific Standards.

1. In a PUD the Development Review Board may, at its discretion, waive setback requirements in accordance with the provisions below:
  - a. Interior front yard setbacks may be waived if the DRB determines that such waivers will improve pedestrian circulation.
  - b. ~~In the GD1, GD3 and GD4 Districts~~ The DRB may waive the setback requirements of Section 2.05 and the Dimensional Standards listed in Table A-2 provided the DRB determines that such waivers will improve pedestrian circulation and all other provisions or requirements of the individual district are satisfied.
  - c. The DRB may waive part or the entire required buffer strip if it determines that the resulting project design will be compatible with the neighboring structures and uses.
  - d. The DRB may waive part or the entire required setbacks specified in Table A-2 if the Board finds the project is consistent with the Town Municipal Plan and Chapter Seven and Eight of the Colchester Code of Ordinances.
2. Lot size and dimensional requirements:
  - a. Within any PUD not serviced by municipal sewer no lot shall be smaller than 10,000 sq. ft.
  - b. With a PUD serviced by municipal sewer, the DRB may waive the minimum lot sizes specified above if the project is consistent with the Town Municipal Plan and Chapters Seven and Eight of the Colchester Code of Ordinances.
3. Open Space. Open space or common land shall be set aside and made a part of any PUD subject to the below listed specific requirements:
  - a. The DRB may require that up to 25% of the gross area proposed for development shall be set aside for open space.

- b. Open space land may, at the discretion of the DRB, be utilized fully or partially as active or passive recreational areas. In ~~GD2, GD3, and GD4~~ Districts structured recreational areas such as parks are encouraged. In all other districts, the majority of the open space should be open and devoid of significant structural improvements.
  - c. The open space must be an integral part of the design of the whole development and not simply a tract of land included in the plan to meet density requirements. The open space should have general flowing patterns so they are connected one with another. Open space shall be contiguous on the property and with open space on adjacent properties wherever feasible.
  - d. Plans for development of recreational areas must be presented simultaneously with the presentation of all plans for development.
  - e. Development of the open space will either be completed prior to the conveyance of lots, units, or dwelling units or an escrow or performance bond shall be posted with the Town to insure completion of the development of the open space within a period of time stipulated by the DRB.
  - f. Open space or common land shall be protected by appropriate legal devices to insure the continued use, or maintenance of such lands for the purpose of agriculture, forestry, recreation, or conservation. Such mechanisms may include but shall not be limited to: dedication of development rights, conservation easements, homeowner's associations, and restrictive covenants or other appropriate grants or restrictions approved by the Board after consultation with the Town Attorney. Further subdivision of residual land shall be prohibited.
  - g. Open space for purposes of protecting natural or archaeological resources or for agricultural or forestry purposes shall be given preference over open space preserved for purposes of recreational or other uses.
4. Varied types of dwellings (single, duplex, and multifamily) attached and detached are encouraged within a PUD. Varied yet complementary types of architectural style, construction, lot sizes, building material, and exterior colors are strongly encouraged. Identical replication of structures, textures and color is strongly discouraged.
5. Congregate Housing Density Bonuses. The DRB may grant density bonuses for PUDs which provide "Congregate Housing", as defined herein. Within these limits maximum density will be determined by the DRB after review of a density plan prepared by the applicant in accordance with other sections of this article. The density plan shall be based on single family units not duplexes. To qualify for the density bonus a development must meet the following criteria:
- a. The development must constitute "Congregate Housing", as defined in Article 12 of this Zoning Regulation. This definition includes the requirement that at least 80 percent of all occupied units in such a project must be occupied by persons aged 55 or older (the 80% requirement applies to occupants, not owners): and no person under 19

years of age shall reside in any unit for more than ninety (90) days in any calendar year, except that in the event of a person(s) under 19 years of age who is (are) disabled and is (are) dependent upon the qualified occupant (at least 55 years old), said dependent person shall be permitted to reside in the unit on a permanent basis.

b. Executed declaration of covenants and restrictions insuring compliance with the definitional requirements of “Congregate Housing” as set forth herein and referencing the requirements of an executed “Congregate Housing Compliance Agreement” as set forth herein under Section 9.01D(5)(c) shall be provided to the DRB for review, approval and execution prior to Final Plat Approval. Language shall be included in all covenants prohibiting changes to said document without prior written approval from the DRB.

c. The developer shall submit an executed “Congregate Housing Compliance Agreement” to the DRB insuring the provision for and continued maintenance of significant facilities and services as outlined herein.

(1) Significant facilities and services specifically designed to meet the physical or social needs of older persons may include, but are not limited to:

- Social and recreational programs designed for persons over the age of 55 years;
- Educational programs designed to serve the interests of persons over the age of 55 years;
- Property maintenance and referral services;
- Information and counseling about services for persons over the age of 55 years;
- Emergency and preventative health care services;
- Accommodations for public and private transportation services within the community and to social services, shops and so forth;
- Dining facilities for persons over the age of 55 years and other services designed to encourage residents to use the services available to them.

(2) In addition to meeting the 80 percent requirement in Section (a) above, and providing significant facilities and services in conjunction with congregate housing, the developer, its assigns and successors, and eventually the development, must publish and adhere to policies and procedures that demonstrate an intent to provide housing for people aged 55 and older. Examples of such documents include, but are not limited to:

- Description of development in media and other communications;
- Marketing materials and other sales representations;
- Age-verification procedures;
- Covenants or lease provisions;

- Written rules and regulations;
  - Actual practices in enforcing the relevant lease provisions or rules and regulations.
- (3) All documents supporting these criteria shall be submitted to the DRB for review and approval prior to Final Plat approval. The “Congregate Housing Compliance Agreement” shall be referenced in the executed declaration of covenants and restrictions required herein under Section 9.01D (5) (b).
- d. Minimum acreage, open space and other PUD requirements are met.
- e. A maximum of two (2) bedrooms per unit.
- f. Detached Congregate Housing PUD Density Bonuses. The DRB may consider and approve detached single family/duplex congregate housing with density up to twice that otherwise allowed in R-1, R-2, R-3, GD-1, GD-2, GD-3, and GD-4 Districts as a permitted use subject to PUD standards and review. Maximum density will be determined by the DRB after review of a density plan prepared by the applicant in accordance with other sections of this article. The density plan shall be based on single family units not duplex or multi-family units. Within these limits, maximum density will be determined by the DRB after review of a density plan prepared by the applicant in accordance with other sections of this article. The density plan shall be based on single family units not duplexes.
- g. Multi-Family Housing for the Elderly as a PUD Density Bonuses. The Development Review Board may consider and approve multi-family housing for the elderly with density greater than three and up to four times that otherwise allowed in GD-1, GD-2, GD-3, or GD-4 Districts as a permitted use subject to PUD standards and review; where, in addition to the above criteria noted in Section 9.01D(5)(a-e), the project is served by municipal sewer, municipal water and by public transportation or other equivalent transportation alternatives to be approved by Staff. Maximum density will be determined by the DRB after review of a density plan prepared by the applicant in accordance with other sections of this article. The density plan shall be based on single family units not duplex or multi-family units.